

### **REMARKS**

Claims 1-19 are pending in the application. Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco (U.S. 2005/0166224) in view of Klosterman et al. (U.S. 2001/0013124). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. (U.S. 6,601,237). Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. (U.S. 6,029,045). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. (U.S. 2002/0056093).

Applicants respectfully request reconsideration in light of the amendments herein and the remarks presented below.

#### **Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman**

Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. Applicants respectfully traverse the rejection.

Applicants have amended claims 1, 16 and 19. Specifically, independent claims 1, 16 and 19 recite transmitting a meta information stream that includes a personalization protocol, content selection data and transitional data. Further the claims recite a personalization engine located at the receiving unit that uses the data from the meta information stream as well as personalization data from a user profile stored on the receiving unit to select, switch and insert the customizable media segments into the template to form a customized broadcast transmission.

Applicants submit that neither Ficco nor Klosterman, alone or in combination, disclose or suggest such a method or system. Ficco, at the Office action admits, does not disclose the

transmission of multiple streams and therefore cannot disclose or suggest an entirely distinct stream carrying meta information about the content of the other streams and selection and processing instructions. Klosterman, while teaching the transmission of entirely separate commercial streams for switching, does not teach a personalization engine located at the receiving unit that can obtain selection data, transition data, or personalization information from a user profile. In fact, the system of Klosterman rely on head-end processing that is fundamentally distinct from the receiving unit processing recited in claims 1, 16 and 19. As the decision for which channel to tune to is made at the head end, and there is no dynamic processing or assembly of content in any of the streams in Klosterman, there is no need for a meta information stream. The multiple streams in Klosterman are static and non-customizable, or adaptable. Neither Ficco nor Klosterman rely on the advanced processing and hardware capabilities of a receiving unit to assemble a personalized advertisement. Because neither of the references disclose each and every element of the recited claims, alone or in combination, there can be no obviousness.

Applicants respectfully submit that independent claims 1, 16 and 19 as amended are patentably distinct from the Ficco and Klosterman references, and any combination thereof, and are therefore in condition for allowance. Applicants further submit that dependent claims 2-15 and 17-18, by virtue of depending from allowable base claims, are also in condition for allowance.

**Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Ten Kate**

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. Applicants respectfully disagree. As

explained above, because independent claim 1 is not obvious, dependent claim 6 cannot be obvious. Applicants respectfully submit that claim 6, by virtue of its dependence from an allowable base claim, is in condition for allowance.

**Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Picco**

Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. Applicants respectfully disagree. As explained above, because independent claims 1 and 16 are not obvious, dependent claims 7, 10, 11, and 17 cannot be obvious. Applicants respectfully submit that claims 7, 10, 11, and 17, by virtue of their dependence from allowable base claims, are in condition for allowance.

**Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Kunkel**

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. Applicants respectfully disagree. As explained above, because independent claim 1 is not obvious, dependent claim 14 cannot be obvious. Applicants respectfully submit that claim 14, by virtue of its dependence from an allowable base claim, is in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance and respectfully request favorable action by the Examiner in the form of a Notice of Allowance.

If a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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